

Attorney Docket: 023.P016C2

REMARKS

Assignee has reviewed Advisory Office Action, dated May 12, 2006, mentioned above, in which: claims 1-16 and 28-36 are rejected under 35 USC 102 on US Patent No. 6,339,767 (hereinafter, Rivette). Assignee notes that the Advisory Action does not specify whether or not new claims 42-47 were entered. Assignee, therefore, assumes they that were not and is requesting that these claims now be entered. Assignee also respectfully requests reconsideration of the present patent application in light of the following remarks. It is asserted that the claims are in condition for allowance and favorable action in this regard is respectfully requested.

Claims 1-16; 28-36; and 42-47 are pending. No claims have been amended or cancelled. New claims 42-47 are added. Previously, claims 17-22 and 37-41 were withdrawn.

The Examiner has rejected claims 1-16 and 28-36 under 35 USC 102 on Rivette. This rejection by the Examiner of these claims on this ground is respectfully traversed.

Assignee's comments begin with claim 1.

The Examiner asserts that Rivette teaches generating a search query. Assignee respectfully disagrees that Rivette teaches generating a search query as that language is used in the rejected claim(s).

The Examiner quotes from Rivette; however, Assignee believes that this quote supports Assignee's position. Rivette states that the user enters search commands: "The client searching module ... receives search commands from the user." See column 30, lines 48-56. The searching module in Rivette does not generate the query because "query request 908A [is] based on the search criteria that the user entered...." See column 30, lines 48-56. The searching module in Rivette, thus,

Attorney Docket: 023.P016C2

performs merely a translation operation: "The searching module ... translates the query request 908A to a new query request in the language of the search engine...." See column 30, lines 48-56.

Although the claims are not limited to what is described in the specification, it may be instructive to consider a described embodiment. For example, on page 7, as explained, search commands are not entered by the user – whereas in Rivette they are. (Although, of course, an embodiment may include this feature and still be within the scope of claimed subject matter) Instead, however, for this example, keyword analysis tools, in this particular embodiment, are applied to information entered by the user to construct a variety of searches to perform intelligent data gathering. To restate another way, this embodiment, without being initiated by the user, has the capability to modify what has been specified by the user, if appropriate. This is not shown or described by Rivette. Therefore, it is respectfully asserted that claim 1 patentably distinguishes from Rivette. It is requested that the Examiner withdraw his rejection of claim 1.

Likewise, the remaining claims, 2-16 and 28-36, either depend from claim 1 or contain similar limitations. Therefore, these claims also patentably distinguish from Rivette on at least the same or a similar basis. It is therefore respectfully requested that the Examiner withdraw his rejection of these remaining rejected claims.

For at least the reasons listed above, Assignee respectfully submits that claims 1-16, 28-36, and 42-47 are allowable. Although additional reasons exist to distinguish the cited documents, the foregoing is believed sufficient to address the Examiner's rejections. Likewise, failure of the Assignee to respond to a position taken by the Examiner is not an indication of acceptance or acquiescence of the Examiner's position. It is believed that the Examiner's positions are rendered moot by the foregoing and, therefore, it is believed not necessary to respond to every position taken by the Examiner with which Assignee does not agree.

Attorney Docket: 023.P016C2

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3130.

Respectfully submitted,

Dated: August 14, 2006/

/Howard A. Skaist/

Howard Skaist
Patent Attorney
Reg. No. 36,006

Berkeley Law and Technology Group, LLC
1700 NW 167th Place, Suite 240
Beaverton, OR 97006
Customer No. 00043831

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office on:

August 14, 2006

Date of Transmission

Michelle Turner

Name of Person Transmitting Correspondence


Signature